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University of San Diego School of Law Student Bar Association

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the woolsack

Vol. 19, No. 8

University of San Diego — A Law Student Publication

January 23, 1979



Photo By David Coway

BUT TAX STILL REQUIRED

Weckstein, Wang Move to De-require Corporations

By Spencer Busby

"Corporations is no longer a required course, effective immediately," announced Dean Donald Weckstein in a beginning of the year interview with the Woolsack last week.

Weckstein consented to an interview with the Woolsack despite the issuance of repeated letters of complaint from his office last semester regarding Woolsack coverage. Weckstein has also started his own "USD Law School Newsletter," effective immediately, in order to doctor his quoted remarks.

"Are you going to quote me accurately?" he asked. "We always do," came the response.

Among other revelations, the Dean disclosed that the Curriculum Committee voted unanimously October 31 not to require Corporations with the full support of Corporations Professor William Wang.

Requirements Coercive

Wang and Weckstein wrote a joint memorandum to the Committee last September 25 at the height of Woolsack editorial criticism of required courses. In the memo, Wang and Weckstein expressed a concern that "the coercive function (of required courses)...may be inhibiting the education process for some (USD) students."

"While there is some doubt whether students would be capable of learning Corporations without the aid of available references," they said, "with a good bar review course students could learn significant aspects of the course on their own."

Loyal Alumni created

"Since the course is on the California bar exam," suggested Wang, "it is unlikely that many students who plan to practice in California would fail to elect it."

Among the advantages of de-requiring corporations Wang and Weckstein included: "Fewer requirements make for happier students, which become more loyal alumni." In addition, they said: "In

upperclass courses, students sometimes lack motivation. Students may be more enthusiastic about a course in which they enroll voluntarily."

"Look at Weckstein"

Wang cited the following as both an advantage and disadvantage of de-requiring Corporations: "Weckstein did not take Corporations in law school and look at him."

Tax Still Required

When asked why the Curriculum Committee did not also de-require Tax, Weckstein said, "Tax pervades every area of practice and is tough enough that students will avoid enrolling in a difficult course if they don't have to take it."

When asked why the administration doesn't consider de-requiring all courses and allowing students to exercise individual course selection responsibilities, Weckstein commented, "Maybe that was the predominate philosophy five years ago, but the only criticism now from students is that we don't have enough required courses."

Faculty-Weighted Committee

Following Weckstein's suggestion, the Curriculum Committee (comprised of 7 faculty, 2 students and one alumnus) have so far rejected all student proposals to de-require Tax and other courses.

Weckstein noted, however, that the Committee will undertake a general review of required courses this Spring.

Low Grades

Concerning USD's grading scale, which requires professors to assure a class average between 73 and 77, Weckstein said he would have "no objection" to allowing Academic Dean Lazewski to increase the grading scale. Weckstein said the present scale, which is regarded by many as lower than other law schools, has in some cases hurt USD students in applying for jobs.

On July, 1978 Bar Results

Weckstein also noted that 77.3 percent of USD students taking the Bar for the first time passed on the July, 1978 exam. USD graduates' overall Bar passage rate then was 68.5 percent, compared to the state average of 52 percent.



Dean Weckstein

Perhaps of more comfort to those who feel reasonably assured of flunking on their first try, Weckstein cited a 1976 study showing that 94.3 percent of USD graduates pass the exam on either their first or second try. Only Yale, Stanford, McGeorge, Beverly (now Whittier), Harvard, and Michigan had better records, in that order, among available statistics for ABA-accredited law schools.

The most significant variable shown to affect one's chances of passing the Bar is class rank. For example, on the last two July examinations the top half of the class had a better than 90 percent passing average while those in the lowest 20 percent of the class were the only graduates to have less than a 50 percent passing average on their first try at the bar exam.

In addition, studies have shown a very strong correlation between the average LSAT score for a school and an individual's successful performance on the Bar Exam.

Random Notes

Dean Starts New Paper

Dean Weckstein has initiated Vol. 2, No. 1 of a new administration mouthpiece: "USD Law School Newsletter". The first edition issued in December and distributed in More Hall carries various pro-school tidbits as well as several poorly concealed and unflattering remarks about the Woolsack.

Weckstein, who oversees the Newsletter's publication, included an in-

itation for student input, an invitation that the Woolsack readily responded to.

When asked if Woolsack editor Spencer Busby could help edit the administration newsletter, however, Weckstein quickly modified his invitation: "Well...it's not a creative, literary thing..."

Continued on page 7

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the woolsack

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LETTERS TO THE EDITOR

From The Outgoing SBA President

Dear Fellow Students,
ELECTIONS

On February 12-14, 1979, you have the opportunity to exercise one of the few rights you have as a student by voting to elect new officers of the SBA and a new Honor Court.

I urge you to vote. I encourage you to vote conscientiously. The Student Bar Association is our only voice. The officers of the SBA represent the entire student body in their dealings with the administration, University officials, the alumni, the practicing bar, the Board of Trustees and the public. Officers are required to put in a good deal of time, work with the board, make judgments, and try to please at least some of the students some of the time. It is important to elect officers who are capable, conscientious, honest and hard working.

Nominations begin January 29. All information regarding nominations, campaigning, voting, a revised election code and procedures will be posted on the SBA bulletin board. If you are considering running for office, please make yourself aware of deadlines and procedures.

REFERENDUM ITEMS

On January 20, 1979 the SBA Board will finalize the referendum wording for the continuation or non-continuation of the \$4 CalPIRG fee, currently assessed of each student at fall registration.

This will also be posted on the SBA bulletin board and will appear on the February election ballot.

Any other referendum items that the Board determines necessary for student voting will also be posted well in advance to the election dates.

The entire ballot, listing the names of people running for offices and Honor Court, and referendum item(s) will be posted one full week prior to February 12.

SBA LOUNGE

Please bear with us as we iron out all the final problems connected with the new lounge. More furniture is coming and hours will be extended. There will be problems but it is finally coming together. Make your individual class representative aware of any suggestions you may have.

We still need a name. There

have been a couple of suggestions, but the SBA is still offering a case of beer for the best yet.

Would anyone like to show their artistic talents? Law student contributions of paintings, photographs, wall hangings, etc., are needed and welcome. Please leave a note in my mailbox in the SBA office if you are interested.



Diane dal Santo
OTHER MATTERS

Since this is my final communication, I want to express the deep gratitude I have for those of you student, faculty and staff who have helped me. Also, there are many students who I have had the privilege to work with who have helped us all. Those people who have put in time and effort with little or no recognition, I owe a great deal of respect and appreciation.

I greatly thank my officers who gave me their energy, but more importantly their support. I would like to publicly acknowledge my deep regard for each of them as individuals and as officers.

IN RETROSPECT

I did not accomplish all I had hoped but feel a foundation has been laid for bigger and better things. The lounge has been appreciably changed and Tom Burke, the Dean of Students, and Sr. Sally Furry, the Vice-President of USD have been most helpful.

Dean Weckstein has promised to help with money needed for minority recruitment, which has chiefly come from our small SBA budget in the past.

Despite meetings, pleas, and cries for help, parking is still a problem. The lottery system is still a problem (however, please contact Bob Pasulka at

223-1910 if you would like to work on this). Tuition is still a problem.

You selected a fine Board of Directors and we've taken steps to iron out other problems. Next year, budget allocation procedures will be better organized, goals have been better established. Communication about law student needs and procedures for expressing those needs to the right group have found formation.

In closing, I wish to express my personal pleasure in representing the Student Bar of USD as President. I feel very proud to be associated with a fine group of potential lawyers and individuals. Thank you for that opportunity.

Sincerely Yours,
Diane Dal Santo

CONGRATULATIONS

Dear Woolsack:

I receive my Woolsacks late, like an American tourist bicycling abroad. Issues long dead glare in print only to be resolved moments later, in more print. Tuition battles never won, professor's classroom bestiality, shrinkage in the library budget and ever-expanding clinical kingdoms march silently by my restless eyes. Mark Speck is still a jock, Russ Robinson writes letters to Woolsack, and Betty Mayberry is doing a land office business. It is comforting to know that nothing changes on the hill overlooking Dogpatch.

I was happy to hear of the success of so many of our recent graduates on the California Bar Examination and hope you will print my warmest congratulations to them all. May they approach the threshold of the practice of law with rekindled enthusiasm for those ideals and goals which brought them to USD in the first place.

Best wishes to all for a productive and useful spring semester.

John J. Kelleher
Professor of Law

Professor Kelleher was faculty advisor to the Woolsack last year. He is now on sabbatical at NYU School of Law—Ed.

Book Awards

Many Law students at USD are probably unaware that in the past each semester the student achieving the highest grade in each class was awarded a legal encyclopedia (AM Jur 2d) by the Lawyers C Operative Publishing Company. Generally accompanying these awards was an offer of employment with the Lawyers Co-Op publishers.

These book awards and employment possibilities are no longer available to USD law students because the administration has failed to compile and forward to the publishers the lists of would-be award recipients.

This inquirer has learned that in over a year the law school administration has neglected to perform this simple task that is necessary to secure these free benefits for its students. On inquiry the administration has indicated that there "hasn't been time" to compile the lists.

It is herby suggested that if the present administration is unable to find time to perform the functions necessary to operate a high quality law school it should be supplemented or replaced.

I. Publius 2D

When asked by the Woolsack for a response, Dean Weckstein commented: "It's not accurate. In the first place, it (being first in the class) generally doesn't include an offer of employment. Second, we've made awards every year. We may be late in getting the list in because of the press of business, but it goes in every year. Last month we sent off Spring and Summer, 1978... Whoever that anonymous person is...is full of crap."—Ed.

Wool-sack: 1. a sack for wool; 2. the official seat of the Lord Chancellor or of the judges of the High Court of Justice in the House of Lords. —Webster's.

To the Editor:

Ms. Wrobel ("Pleasures of the Willfully Thin") is both a welcome addition to the Woolsack staff and a credit to thin people everywhere.

I do, however, have one cavil with her otherwise excellently written article. In referring to Richard Nixon's penchant for cottage cheese, it is not mentioned that this tasteless individual would mix ketchup into the formerly innocuous dairy product. Now any self-respecting Willfully Thin knows that this high-caloried condiment, replete with refined sugar, is anathema to proper nourishment.

I have been accused of being Willfully Thin (even emaciated), and ordinarily I would take no offense to this. For as Ms. Wrobel points out, such a classification is indeed neutral. However I must draw the line at being included in a category with someone as base as Richard Nixon. Not only was he guilty of repeated transgressions against the Constitution, he even committed the high crime of failing to recognize the separation between the NFL and state. I must speak out.

Bennett Goodman(1978)

To the Editor:

Enjoyed your letter of 14 November 1978 commenting on my Woolsack column. —It (your letter) was well done.

I wish I could have seen your game, but I was in Edmonton, Alberta during Fall, 1973 semester.

Dwan V. Kerig
Professor of Law

The next Woolsack publication date is Wednesday, February 7. Deadline for submission of articles and copy is January 31. (Wednesday).

the woolsack

The Woolsack is published bi-weekly on Fridays, except during vacation and exam periods. Because of space limitations and because the Woolsack strives for factually accurate copy, all contributions are subject to editorial review and possible abridgement, although every effort is made to maintain a writer's original style.

The objective of this paper is to inform the law students of USD, and the San Diego legal community — our two primary sources of funding — on pertinent, timely, and provocative legal issues and events.

The views expressed herein are those of the Editorial Board or of its by-lined reporters and contributors, and do not necessarily reflect those of the student body, faculty, or administration unless otherwise specifically stated. Editorials are collectively determined by members of the Editorial Board, which consists of the editors cited below, excluding staff. Unsigned articles are the responsibility of the respective page editors. Editorials are the ultimate responsibility of the Editorial Board Chairperson.

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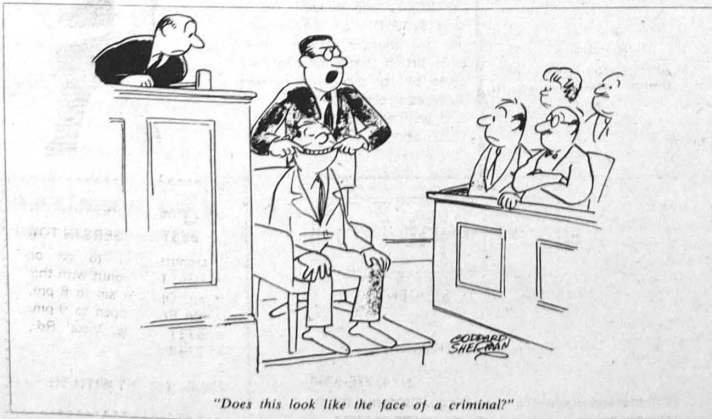
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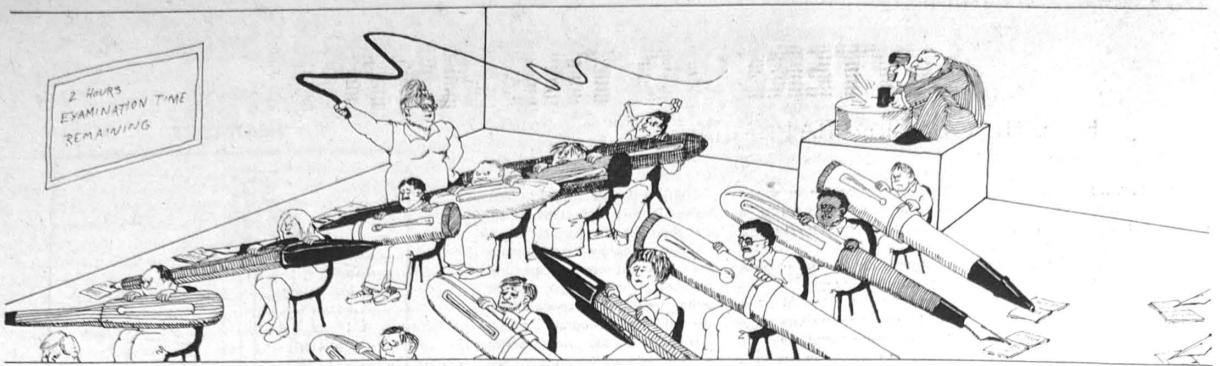
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Coping With Exam Pressure

By Elizabeth Kramer

My first encounter with exam time pressure was during a Woolsack interview with the law school counselor, Betty Mayberry. It was during this interview that Ms. Mayberry explained to me the concept of what she described as self-generated stress. I couldn't quite get a handle on what she meant, other than this condition assaulted first year law students, some time when they weren't looking, and lives with them like a parasite until exams were over.

"How counterproductive," I thought. My only concern at that time was getting the Woolsack instamatic to work.

That was mid-November. By early December, it had occurred to me that they weren't kidding. I wasn't clear on who the "they" was, perhaps the designers of the law school catalogue, my professors, my fellow students, my college pre-law advisor, my mother...whoever. This law school exam stuff was serious business.

So, I Gilberted, I nutshelled, I

even legal briefed myself stone sober. I began to relate in legal terms. My dreams took on issues and dissenting opinions. My relationship with my roommate deteriorated to an occasional grunt in the hallway. My love life became part of some other lifetime and my cat was suffering from enui.

Throughout all this studious activity, I felt a strange calm. "I just can't seem to get hyped about all this," I told a third year student. "Wait," said my friend, smiling like a Cheshire cat.

About a week before exams I ran into another third year friend who attempted to reassure me about my nervous state. He told me, "You must be really NERVOUS. I remember my first set of law exams. I was REALLY NERVOUS. So, don't feel bad about being a NERVOUS WRECK. It will pass. Everyone feels it."

I began to get nervous. First, I was nervous about not being nervous, but I got over that and settled into a delightful array of internal panic that left

me speechless until after exams. The exam-taking experience, was of course anti-climatic, and all I could think of, being herded into the exam room, was how much law students can resemble sheep. I hung in there, with my flock and after the first exam, I would have sold my grandmother on a bet that I had flunked out. After the second exam, I was somewhat less dramatic, and after the third I was downright indifferent. Christmas vacation came like the light at the end of a tunnel. A welcomed reprieve, before the gearing up for next semester and final exams.

Defends a "skyscraper of his imagination."

Attorney Creates Fictitious Lawsuit

Reprint from L.A. Daily Journal

An attorney with a blue-chip law firm has admitted that he created a totally fictitious 10-year skein of litigation counterfeiting demurrers, memoranda and judges' opinions up to the State Court of Appeal.

William L. Porter, a graduate of Stanford Law School, former clerk for a State Supreme Court justice and a former member of the firm Crimmins, Kent, Bradley, Burns and Kaplan, is on trial charged with forgery and fraud.

The "make-believe" law case began in 1964, said Assistant District Attorney Julian Rhine, when Porter began representing the National Automatic Sprinkler and Fire Control Association which was fighting a decision to allow plumbers to install fire sprinklers.

The association, based in New York, received over the years copies of briefs, filings, a superior court decision signed with the name of a Sacramento judge, and later an appeal court ruling which carried the names of three judges.

The only thing that really happened in any court was the filing of a suit in August, 1967. The rest was created in fantasy by the lawyer, the prosecution charges. His defense attorney said he did it because "he just couldn't admit to his fellow attorneys that he couldn't perform as the brilliant lawyer he was supposed to be."

SEVERELY DISTRAUGHT

Porter's defense counsel, Franklyn Brann, also argued that Porter during this period, was severely distraught because his

wife, a socially prominent and distinguished physicist, was "going through two psychotic breakdowns."

FAMILY EXPECTATIONS

Brann said Porter should never have been a lawyer but "his family expected him to be a professional man."

But Brann noted ironically that Porter had probably done eight times as much work creating the legal fantasy that he would have done if he had been pursuing the case.

IMAGINED SKYSCRAPER

"It was more than a figment of his imagination—it was a skyscraper of his imagination," said Brann, who claimed his client had no intention to defraud the fire extinguisher association.

Woolsack News

The Woolsack is seeking more persons interested in working on the newspaper. Those with past writing, editing or general journalism experience will be considered for one of three open editorial board positions (Commentary, news, and managing editor).

Those interested in just writing are also invited to work on the Woolsack. Woolsack meetings are held Friday at noon in the Woolsack office on the bottom floor of More Hall. Call Spencer Busby at 277-1717 if you want to write or be considered for one of the

editorial positions or come to our next meeting this Friday at noon at the office.

For the first time in its existence, The Woolsack will be sponsoring a coed softball team to compete against the Law Review and/or any other entity that feels competent to challenge us.

For this reason, we are lowering our usual stringent writing ability criteria for joining the Woolsack this semester...in the interest of winning.

THE WOOLSKACK KITTEN

We are pleased to report that in a last minute, hair splitting drama, the Woolsack Kitten was plucked from the hands of death. The execution had just begun and just as we respectfully closed the door of the microwave oven, a smashing young woman came running through the door.

WOOLSKACK KITTEN



"Stop!" she yelled. "Save that kitten!" So we did and we are pleased to save this kitten who through no fault of its own, has created such controversy, is now alive and well and living somewhere in San Diego.

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IN OPPOSITION TO BAKKE

by Gontalo Rojar

On June 28, 1979, the U.S. Supreme Court ruled in the case of the "Regents of the University of California vs. Bakke." By a 5-4 decision, the Court mandated that Allan Bakke, a 38-year-old white engineer, be admitted to the U.C. Davis Medical School, because the Special Admissions Program at U.C. Davis violated Title VI of the Civil Rights Act of 1964.

By ruling in Bakke's favor, the Supreme Court upheld Bakke's racist charge of "reverse discrimination." "Reverse discrimination," as upheld by the U.S. Supreme Court, is the establishment of quotas for minorities and women who have a second-class position in U.S.

society. This special consideration is said to constitute a prejudice against whites and males.

His claim was based on the fact that a black employee with less seniority than he was admitted into an on-the-job training program.

QUOTAS

The Supreme Court ruling in favor of Bakke threatens the very substance of the Civil Rights Act of 1964 by alleging that minorities and women have already gained equality and that Bakke therefore, was pushed out of the door by a handful of people who were being given an unfair edge. In actuality, the ratio of physicians to population, by race, is as follows:

whites - 1/77; blacks-1/3,800; Native Americans-1/20,000; Chicanos-1/30,333. This has remained virtually unchanged since the 1930s.

This decision of the Supreme Court also struck down quotas. The most widely publicized opinion is that the Court upheld the principle of Affirmative Action. However, without quotas, how is it possible to effectively implement Affirmative Action?

The impact of this decision if made in favor of Weber will potentially eliminate all affirmative action in employment.

It was only through aggressive implementation of affirmative action programs and the establishment of "quotas" or "goals" that - "By fall 1977, minority enrollment in U.S. medical colleges had increased to just over 10 percent of the total from the less than three percent that existed in the late 1960s."

"GOOD WILL"

The fact is that without quotas, there would be no guarantee for even minimal participation of minorities and women in jobs or education. Without quotas and left to the "good will" of the same institutions that are responsible for truly discriminatory practices, women and minorities would be kept in their second-class social positions in education and on the job.

We must not see the Bakke decision as a victory for Affirmative Action, although the ruling states that "race can be a factor" when granting school admission. On this point, it is important to note what one of the Supreme Court Justices who dissented with the Bakke Decision has to say:

"I suspect that it would be impossible to arrange an Affirmative Action Program in a racially neutral way and have it successful... In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently. We cannot - we dare not - let the Equal Protection Clause perpetrate racial supremacy." (Blackmun)

After the announcement of the decision many groups and individuals came out saying that affirmative action is not in

danger, and that it was a "green light for affirmative action."

This has not been the case. We are beginning to see the precedent the Bakke case set and its impact:

1. The city of Berkeley's affirmative action program has been found unconstitutional and therefore ended.

2. J.P. Stevens Co. has been ordered to stop using quotas in hiring by the 4th Circuit Court of Appeals. This decision was made in light of the fact that the same court found them guilty of racial discrimination in hiring. The appeals court said that Steven's record of correcting past employment practices was of sufficient weight for them to not have quotas.

3. Stanford's affirmative action Special Admissions programs have been eliminated.

4. The 3rd District Court of Appeal ordered a new trial to determine the legality of a plan that guarantees minority contractors a share in the \$42 million Capitol restoration

project in Sacramento. The Court felt that preferences should be given to minorities only when there is proven past discrimination.

All of these court cases were decided by the precedent set in the Bakke case.

But there is another case that is even more crucial to the existence of affirmative action and special programs. It is known as the Weber case.

In November of 1977 the U.S. 5th Circuit Court decided in favor of Brian Weber who claimed he was a victim of "reverse discrimination." His claim was based on the fact that a black employee with less seniority than he was admitted into an on-the-job training program. This program was voluntarily instituted at the Kaiser Aluminum Plant in Gramercy,

La. Relying on government contracts, they feared the loss of these if they didn't have an affirmative action program. Working together with the United Steel Workers of America they set up an on-the-job training program that would have two seniority groups, one black and one white. Each group would admit people into the training program on a one-to-one basis. An aspect of this program which is important, is that it allowed all unskilled workers into the skilled jobs. It was a gain for whites as well as minorities.

The United Steel Workers of America along with Alcoa, Reynolds and Kaiser adopted this program in their contracts throughout the nation in April of 1974.

The program was an important step in beginning to overcome the discrimination faced by black workers in the Gramercy area.

"The program accepted minority and white employees on an equal one-to-one basis. Had trainees been selected solely on a seniority basis, no blacks would have been included." (San Diego Union, 10-1-78)

The impact of this decision if made in favor of Weber will potentially eliminate all affirmative action in employment.



In a recent study the U.S. Commission on Civil Rights said that white men continue to "reap benefits" and have greater opportunities in education, income and employment. It claimed that minority males earn approximately 15 percent less than white males and that women of all races earn 30 percent less than white men. The facts prove that women and minorities have not gained equal status in employment or education. It is clear that affirmative action and special programs are merely a step in beginning to overcome the discrimination that women and minorities have suffered for centuries. The dangerous aspect of the decision by the courts is that they are wiping out gains that have been made in the last 10 years, gains which barely scratch the surface.

Minorities and women who are struggling to find decent jobs, are being painted as "the enemy" when the real enemies are those who limit the number of available jobs. Their strategy

HEATHCLIFF



is simple: divide and conquer. When viewed from this perspective, it's easy to see the importance of overturning the Bakke and Weber decisions, and the importance of beginning an earnest campaign for full employment and integral to this is expanding affirmative action programs. Until everyone who wants to work can have a job, we will all continue to be victims.

The question whether one individual is a victim of reverse discrimination is a myth that clouds the issue. The real point is that unemployment is rampant throughout the country.

Historically, industry in our country has strengthened itself by limiting the number of jobs

available, so as to keep an unemployed, "potential workforce" with which to intimidate those already on the job. We've all heard the familiar threat, "If you don't like the way we do things, we can always find someone else." So it is with the cry of "reverse discrimination."

The Affirmative Action Coalition of San Diego calls on all people to protest the Supreme Court ruling and to reawaken the mass public pressure required to protect the principle of equal rights, defend and expand affirmative action programs and overturn the Weber decision.

The Affirmative Action Coalition of San Diego meets every second and fourth Sunday of the month at 3040 Imperial Ave. from 3:30 to 5:30 p.m. Our mailing address is: P.O. Box 3127, San Diego, CA 92103.

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Select Committee On Bakke Recommends New Admissions And Scholarship Policy

By Spencer Busby

In an effort to make USD Law School Admissions comply with the Bakke decision, a Select Committee on Bakke has recommended that "race, ethnic origin or economic disadvantage" be only one of seven criteria utilized in making admissions' decisions.

The Bakke Committee, chaired by Professor Krieger with Professors Peterfreund and Simmons as members, released its preliminary report November 22 and is soon expected to release a final report.

Seven Criteria

The proposed change in admissions and scholarship criteria calls for the law school to select

students based on (1) the applicants Index Score (derived from the LSAT score and undergraduate grade point average) and (2) seven diversity criteria, including:

1) The strength of the motivation of the applicant to study law and serve the socially and economically disadvantaged segments of society upon graduation from law school; 2) Race, ethnic origin or economic disadvantage; 3) Unique work or service; 4) Leadership potential; 5) Maturity; 6) The extent of disadvantage and history of overcoming disadvantage; and 7) The quality of undergraduate school attended and the kinds of courses taken.

Desired Diversity

These criteria are designed to "achieve the desired diversity in the student body incorporated in the admissions policy" and "to avoid racial or ethnic quotas," according to the Select Committee on Bakke.

The Committee also recommended that the administration consider student input in the form of Admissions Advisory Groups. Also, it suggested that a formal Advisory Committee be established that includes two students from each of the designated advisory groups.

The Advisory Committee's function would be to review admissions applications, conduct interviews, and submit a prior-

ity ranking of admissions applicants to the Admissions and Scholarship Committee.

Minority Students React

A student committee including representatives of the Black, Asian, Chicano, Native and Disadvantaged Law Students Association had a mixed reaction to the proposals.

"While we agree in principle with the policies and procedures as submitted by the Select Committee on Bakke, we have some reservations concerning the actual implementation of the policy."

Specifically, the Student Committee expressed a concern that the new criteria would have the effect of reducing the

number of minority and disadvantaged students admitted and able to attend USD.

Scholarships Needed

The Student Committee urged that "scholarship and admissions decisions be interrelated" to assure that accepted minority applicants receive sufficient financial assistance to afford USD's tuition.

The Committee also recommended that student applicants "be interviewed by someone with a similar background" and that the Advisory Committee be present at the time of the Admissions decision as well as informed of the reasons for the acceptance/rejection.

National Lawyers Guild Challenges USD Affirmative Action Report

The following article on USD's affirmative action program was written by Steve Chaffin on behalf of the National Lawyer's Guild.

-Ed.

The National Lawyers Guild Affirmative Action Committee has been watching developments locally on the effects of the Bakke decision and affirmative action programs in law schools. Recently the University of San Diego has been considering a restructuring of their affirmative action program (known as the Alternately Qualified Admissions Program), in light of Bakke.

The law school faculty has appointed a special committee which has been examining the USD program. In the committee report, just released, the special committee recommends a "broadening" of the admissions criteria.

The report states that the school shall admit applicants that qualify under a "diversity"

criteria. The report lists various factors that will be considered under this "diversity" criteria. Among them are race, ethnic origin, and economic disadvantage.

It is important to note however, that the report provides for no goals or commitments. The report makes no specific commitments to providing financial support for these applicants under their "diversity" criteria.

The Guild thinks the faculty recommendation is an extreme response to Bakke that severely jeopardizes the fate of affirmative action at USD. The "diversity" criteria listed are so broad that it leaves admissions decisions to a highly subjective evaluation by the admissions committee.

Also it lacks any sort of guarantee of financial assistance for those applicants admitted. This is the real weakness in the policy.

The applicants admitted will not be able to attend law school unless they are given some sort of financial assistance. This policy provides no commitment to providing that assistance and specifically states a policy of avoiding racial or ethnic quotas.

The policy is a mere watered-down version of the affirmative action commitment USD once had to actively admit minority applicants. The fate of affirmative action at USD now lies with the admissions committee and its highly subjective evaluation of each applicant. This looks bad in light of this year's committee composition. Added to that is the likelihood that students will no longer be permitted to be present when a decision is made.

The arbitrariness of the admissions committee could be restricted only by a strong student-faculty response to the report.



Streamlined Bar Exam

reprinted from the L.A. Daily Journal.

By Bob de Carteret

Bar examinees will answer fewer questions and have more time to write them beginning with the next California bar examination, it has been learned.

Further, less weight will be given to essays and more to the multiple choice portion of the exam in determining passing scores.

The nine-member Committee of Bar Examiners made these changes effective for the three-day exam set to start Feb. 27 but no formal announcement has been made.

"We've decided to streamline the exam and retain reliability," said Asst. Atty. Gen. Robert H. O'Brien, chairman of the Committee of Bar Examiners, in an interview last week.

"The change won't make the exam any easier but it will ease the physical burden," O'Brien said.

Formerly, examinees wrote essays on four of five questions offered. But now they will write on three of four questions presented.

This means that the total number of essays written by examinees drops from 12 to nine.

Formerly, each essay session lasted three-and-one-half hours, leaving 52½ minutes for each question.

But now the sessions go just three hours, leaving one hour per question.

Finally, essays had counted 70 percent of the final score.

The Committee of the Bar Examiners, however, has decided to shift more emphasis to the multiple choice and have essays valued at 60 percent of the score.

As before, examinees will have two essay sessions on the first day, two multiple choice sessions the second day and one essay session the third day. Applicants who have yet to pass the professional responsibility exam can take it on the afternoon of the third day.

The same 12 subjects will be tested in both portions of the exam: civil procedure, community property, constitutional law, contracts, corporations, criminal law, evidence, real property, remedies, torts, trusts and

will. Some essay questions involve more than one area of the law.

The latest change is the third major change in the bar exam since the committee started a formal study of the bar in 1976.

That year witnessed a large demonstration by minority law students who disrupted the State Bar convention by marching in on a Conference of Delegates meeting, which was stopped by the chanting. Other demonstrations were held outside the State Bar offices in San Francisco and Los Angeles.

The minority students charged that the bar exam discriminates against them because their backgrounds gave them less verbal skills than other students. Thus, the pressurized writing portions of the bar exam are tougher for minorities.

The first change to the bar allowed students to pass the bar in sections. An examinee can pass the essays in one sitting and pass the multiple choice at another. Further, conflicts of laws was abandoned as an exam topic.

Most recently, the bar examiners revamped the scoring system so that if an examinee passes the multiple choice and the first four essays read, the examinee passes without having his other essays read.

O'Brien, committee chairman, was asked whether the latest change puts less emphasis on verbal ability. "The committee believes that a significant part of the exam tests this."

In response to another question, O'Brien said it is possible that giving more time to answer

an essay question might not relieve pressure because, applicants will tend to provide better answers.

The administrative chore of grading the exam was relieved by the last change. The results of the July exam came out nearly one month ahead of the previous year.

O'Brien said the committee is continuing to review the bar exam and is looking at shortening the exam to two days and incorporating some type of clinical exam.

BAR EXAM PARANOIA

"Paranoia apparently is a legitimate factor in determining eligibility for admission to the bar," reports the November ABA Journal (p. 1653).

The U.S. Supreme Court refused to review a decision by the Arizona Supreme Court that blocked an applicant from retaking the Arizona bar exam, because he was adjudged paranoid by the court's Committee on Examinations & Admissions. The committee found that one requisite for the bar, being "mentally and physically able to

engage in the practice of law," should be construed to exclude persons with "obvious inability to get along with authority figures under situations of minor stress and conflict," even though the persons may not have been diagnosed as mentally ill.

Testimony had established that the applicant showed hypersensitivity, rigidity, unwarranted suspicions, excessive self-importance and a tendency to blame others and ascribe evil motives to them, the court found. (docket 77-1692, *Ronwin v. Arizona Supreme Ct.*)

PDP PREVAILS IN FOOTBALL; PACERS SOFTBALL CHAMPS

PDP Sudden Death Victors in Marathon Championship

Nearly 88 minutes of play had elapsed before the alumni connection, Dan Abbot and Glen Triemstra, settled the gridiron title dispute in favor of Phi Delta Phi with a 17 yard T.D. pass. That score came 13 minutes into the second overtime, giving PDP a 6-0 sudden death victory over the Sticky Briefs and culminating a game totally dominated by the defensive units of both teams. The winning aerial was set up by Dave Danielson's 25 yard punt return and Dan Abbot's keeper which netted 18 yards, but prior to those events the defensive lines had proven impenetrable, refusing to relinquish any yardage of consequence. The wind was also apparently a contributing factor as the Briefs, in the initial half, and PDP, in the third and fourth periods, spent a large percentage of the time struggling within their own 30 yard lines. In fact, aside from the defensive linemen, only the punters, Bob Rosemyer and Don Hall, were effective in moving the ball with regularity. The result was a scoreless deadlock through nearly six periods that was finally resolved when PDP's Triemstra speared the ball near the back of the end zone.



PDP Champions of the Men's Law Football League. PDP edged out a strong Sticky Brief team by a score of 6-0 in sudden death overtime to win the coveted IM T-shirts and Bragging rights. Front row l-r: Dave (the Caveman) Silverman, Capt. Mark (the Hulk) Speck, Craig (Pretty Boy) Barkacs, Kevin (Hungry) Henry, Al (Ray) Shack, Leroy (Dimples) Schmitt, Dan (the Man) Abbot. Back row: Bobby (Crutch) Rosenmeyer, Thunder Thornton, Farmer Fahrney, Dick the Stick Staiton, John-Boy Schroeder, Babe Apodaca, Patty Olmstead, Jolly Charlie Hogquist, Mean Carlos Molina, D.B. King, Dandy Dave Danielson.

Pacers display power in 19-5 blitz

Pacers left very little in doubt during the Fall Baseball Playoffs as they flattened their three opponents by a combined score of 57-16, resulting in their first baseball championship. The final game was a 22-hit assault on Well Hung Jury, which had fought its way to the title game by registering mild upsets over the 12-inch Ballers and the Runs. The Jury effectively neutralized the Pacer's number one asset Hector Apodaca by walking him on three occasions, but Ric Fahrney, Dave Rogalski, and particularly Jack Cohen, who homered twice, filled the void with four hits apiece. Conversely, the Jury was able to score only in the third and sixth innings in finishing as runnerup for the second consecutive season.



Just a Kiss Away (Pacers) finally won the big game that had eluded them for the past four seasons when they scored a 19-5 victory over the Dark Horse Well-Hung Jury in the Softball Championship title game. Front row l-r, Rocket Ray Noonan, Cy Cobb, A. Jackson Muecke, Stevie (Hals) Halsey, Dugger Morelli, Leroy (Dimples) Schmitt. Standing, Vic (Songbird) Sahn, Dick (the Stick) Staiton, Mad Jack Cohen, Hector (Babe) Apodaca, Jim (Huff) Huffman, Rick Farmer Fahrney, Bob (Skyball) Rosemeyer, Capt. D.B. King.

USD INTRAMURAL SCHEDULE

Activity	Entries Open	Entries Closed	Competition Begins
SPECIAL EVENTS			
Sports Day	January 29	February 2	February 4
Ping Pong			
Arm Wrestling			
Badminton			
Freethrow Shooting			
Shuffleboard			
Aquatic Festival	March 19	March 28	March 31
Innertube Water Polo			
Swim Meet			
Innertube Races			
Underwater Tricycles Races			
Spring-Board Diving			
Intramural Sports Extravaganza	April 23	May 2	May 5
LEAGUES			
5x5 Basketball	January 8	January 17	TBA
12" Softball			
Graduate	January 8	January 17	TBA
Undergrad	January 29	February 7	February 9
Coed	January 29	February 7	February 11
Coed Soccer	February 5	February 14	February 18
5x5 Basketball			
Undergrad men	February 12	February 21	February 27
Coed Soccer	March 12	March 21	March 25
TOURNAMENTS			
Mixed-Doubles Tennis	February 5	February 14	February 17
Midnight Bowling	February 19	March 7	March 10
4x4 Coed Volleyball	February 26	March 7	March 10
Midnight Bowling	February 19	March 7	March 10
4x4 Coed Volleyball	February 26	March 7	March 10
Over-the-Line	April 17	April 25	April 28



Pictured above is the Well-Hung Jury, runners-up in the Fall Softball League. They reached the finals by beating both the Runs and 12-inch Ballers. Kneeling (l-r) are Mark Kruse, Capt. Stan Snyder, Jeff Pratt, Larry Stidham, Randy Magnuson and Steve Cohn. Standing: Ken Medel, Doug Armstrong, Rob Trentacosta, Al Charmatz, Mark Anderson, Jeff Parrott and Bill Kelley.

SPRING SEMESTER LEAGUES FORMING

The Law softball league had another strong turnout with 15 teams slated to make a run for the championship T-shirts. Action is set to begin Jan. 19 and continue into early April. All the teams that made the playoffs in the fall including the champion Pacer team are returning to compete. All games will be played at Presidio Park on Fridays. For game schedules, check the IM

bulletin board on the main floor of the Law School. There will be a basketball formation meeting for captain of all prospective basketball teams in the IM office at the Sports Center this Wednesday, Jan. 24 at noon. If you intend to field a team this spring, it is absolutely necessary to have a team rep at this meeting. Don't forget or you may regret.

USD CONTINUES DOMINANCE OVER CAL WESTERN



USD Law Athletes continued to frustrate their crosstown rival's attempt to achieve parity with a narrow 11-10 softball victory in the most recent of the all-star series. The victory in baseball follows earlier triumphs in football and basketball during 1978. Cal Western kept it close throughout, but USD's superior farm system proved the difference as talented performers like Ardie Boyer, Dave Rogalski and Greg McClain stroked protigious hits. USD was not lacking strength, either, as demonstrated by Hector Apotzaca, Jack Cohen, John Schroeder and Bill Kelley, all of whom cleared Presidio's fences in the latest conquest of Cal Western.

USD Law Stars v. Cal Western Law Stars

This Saturday January 27, 1979
KEGGER TO FOLLOW GAME—Via PDP

Cal Western's inferior, but gutsy, basketball law stars will once again test the powerful USD basketball law squad this Saturday evening at 8 p.m. at USD's Sports Center. USD has won all three previous games in the series. In the preliminary contest, USD's law women will tackle Cal Western's Co-Ed's at 6:30 p.m. Admission and the beer afterwards is free. Hope to see all loyal USD law students at the game.



These three law students competed in the Second Annual Intramural USC Canyon Marathon. They each placed first in their respective divisions. Jim Cray out-distanced all comers to win the men's open division. Paul Leehy won the Drink While Running Division (he didn't spill a drop). Charlie Hogquist took the Portly Division title winning at the finish by a belly.

Pictured from left: Leehy, Cray and Hogquist.

Random Notes

Continued from page 1

SALARY REPORT

Two legal placement experts discuss which cities offer the worst and best opportunities for newly graduated lawyers and how much various legal jobs

are paying around the country in the current issue of **Student Lawyer**, published this week.

The magazine is the publication of the American Bar Association's Law Student Division.

After analyzing the availability of jobs,

economic strength, projected growth, school systems, pollution, quality of life and salary structure, James Kilmer of Kilmer and Associates feels that the outlook for legal careers is the worst in Cleveland, Portland, Providence, Denver and Salt Lake City. On the positive side, however, he finds the best future is in Houston ("Jobs are plentiful and the top firms pay as well as any on Wall Street"), Charlotte-Durham, Washington, Chicago and Paducah ("After five years, a young 'rainmaker', or business getter, should have all the business he or she can handle.")

Among the findings included in the report: first year salaries for lawyers in Atlanta range from \$12,000 to \$21,000; in Boston \$12,500 to \$18,000; in Memphis \$12,000 to \$18,000; in New York \$15,000 to \$31,000 (non-patent law firm); in San Francisco to \$20,000 and in Washington, D.C. to \$27,000.

FACULTY NEWS BRIEFS

Professor Ronald Maudsley has returned from sabbatical this semester and is teaching Estate Planning and Trusts and Estates.

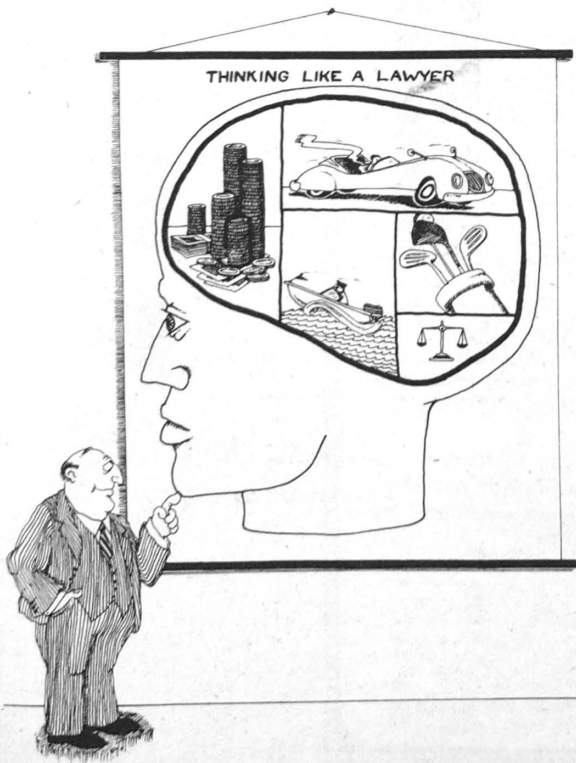
Visiting Professor Nathaniel Nathanson has returned to USD this semester to teach Constitutional Law and Constitutional Litigation.

Visiting Professor Milton Freeman is also at USD this semester.

William Wang, professor of Corporations, has been appointed to the White House Domestic Policy Staff as a full-time consultant. His work in Washington D.C. will be during the Spring Semester while he is on sabbatical leave from USD. Professor Wang will be working on a Congressionally-mandated study of the Federal prohibition of interstate branching by banks.

Professor Frank Engfelt is also on sabbatical this semester (in the San Diego area).

Continued on page 8



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CALENDAR JAN. 24 - FEB. 14

By Vicki Hirsch

24 CALIFORNIA RURAL LEGAL ASSISTANCE — on-campus interviews for third and fourth year students.

27 CAREER/PLACEMENT SEMINARS — 9 a.m.: Resume Assistance; 10 a.m.: How to Use the Placement Office; 11 a.m.: Job Search Strategy; 1 p.m.: Governmental Opportunities; 2 p.m.: Alternative Careers; 3 p.m.: Open Forum, Room 28.

31 "DOG DAY AFTERNOON" — Film Forum in Camino Theater, USD at 7:30 p.m. General Admission: \$1, Students: 50 cents.

FEBRUARY

1 UNITED FARMWORKERS — On-campus interviews for third and fourth year students.

LEONARD WEINGLAS — will speak on "Politics and the Courtroom" in the 3rd Floor Courtroom. 8 p.m.

2 LAST DAY FOR SBA AND HONOR COURT NOMINATIONS.

3 MICHAEL MOHR TENNIS TOURNAMENT — Preliminary rounds.

6 BRINGING A CASE TO TRIAL — Videotape presented by CEB, 6-8 p.m. in the Pioneer Room, San Diego County Law Library, 1105 Front St. Enrollment fee is \$14. For information call 452-3444.

6 "LAW AND DISORDER" — Film forum in Camino Theater, USD at 7:30 p.m. General Admission: \$1, Students, 50 cents.

7 "LAW AND DISORDER" — See above.

9 MICHAEL MOHR GOLF AND TENNIS TOURNAMENT — Finals at Singing Hills Country Club.

12 SBA ELECTIONS
13 SBA ELECTIONS.
14 SBA ELECTIONS.

Or Are Ya Just Glad To See Me?

The Texas Court of Criminal Appeals ruled that it was not particularly unreasonable to believe that a grocery store customer who concealed a ham in his pants probably intended to steal it.

The court upheld a one-year sentence against Johnny Collette of Harris County. Collette was arrested in 1976 when a security guard for Rice Food Markets saw him slip a ham down his pants.

Collette's attorneys had argued that the conviction should be overturned because Collette was stopped before he got out the store exit.



Only Robbers Should Plead Guilty...

A federally sponsored study followed up 5,000 arrests in Washington, D.C. in 1974 involving assault, robbery, larceny and burglary only to discover that plea bargaining doesn't mean that offenders get off easier than if their cases went to trial and they were convicted.

The report discovered that in 80 percent of the assault cases, 90 percent of the larceny cases and 63 percent of the burglaries defendants pleaded guilty to charges that were about as serious as a conviction and trial would have produced.

For no particular reason that we can divine, it appears that the incompetent criminal who stands a chance of getting caught should stick to robbery — the only category studied where defendants who pleaded guilty generally received lighter sentences. From *Student Lawyer*

Random Notes Cont.

Continued from page 7

Register Public Smokers As Perverts?

Jerry and Linda

A belated, unsolicited reply to Wool-sack's Roving Reporter's question, "What's to be done with homosexuals who smoke in public?" Certain aspects of this problem can be dealt with under existing sections of the San Diego Municipal Code and California Penal Code. Article 45.0103.g., San Diego Municipal Code, makes it unlawful to smoke in any toilet open to the public. Under article 647 (d), California Penal Code, any person "who loiters in or about any toilet open to the public for the purpose of engaging in any unlawful act" is guilty of disorderly conduct, a misdemeanor.

Thus, smoking in public restrooms could result in charges under both the San Diego Municipal Code and California Penal Code. And conviction under P.C. 647 (d) would require the hapless criminal to register with his local chief of police or sheriff under P.C. 290, relating to "certain lewd crimes."

Leonard Weinglas to Speak

On Thurs. February 1, 1979 at 8:00 p.m. The National Lawyers Guild San Diego Chapter, will present Mr. Leonard Weinglas speaking on "Politics and the Courtroom". The event will take place at the University of San Diego School of Law on the 3rd floor courtroom.

Mr. Weinglas is a noted criminal defense atty. who has represented clients such as the Black Panthers, The Pendleton 14, and the American Indian activists Skyhorse and Mohawk. Mr. Weinglas will speak on the role of a defense atty. in cases where non-legal factors come into play, such as jury bias or overbearing judges.

After the presentation The Guild will host a wine and cheese reception.

Fortune Magazine, the voice of corporate America, has finally taken a stand on one of the crucial issues confronting California — should Jerry Brown marry Linda Rondstadt. In an editorial statement headlined "Matrimonia Advice" Fortune suggests that Linda might be a good influence on the governor, helping him to straighten his thinking.

"One day he's against economic growth, the next day he's crusading for it," they complain.

Linda, on the other hand, "is possibly the only rock-singer in the land whose basic attitudes have never been anti-establishment."

Proof of Linda's loyalty might be found in the Oct. 19 issue of Rolling Stone in which she is quoted as saying, "If something terrible happened to Standard Oil, a lot of people would be out of jobs. You can say what you want about big multi-nationals running the country and stuff, but the fact remains that we need them, we need their services, we need jobs from them, and they are in a better position to decide what's going to be good for the economic climate of the country and for the rest of the world."



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